GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Implementation of orders of the Hon'ble High Court in W.P.No.36199/2017 filed by Sri. Prabhakar, S/o Late Chinnappa, Retired Town Planning Chainman, Madanapalli Municipality – Considering the previous period spent on NMR services previous to regularization, for the purpose of qualifying service for fixing pension and pensionary benefits from the date of sanction of Minimum Time Scale with effect from 01.07.1992 and not entitled for arrears, as a special case – Orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (D) DEPARTMENT

G.O.Rt.No.129 Dated:23.02.2023

Read the following:-

1. G.O.Rt.No.138. MA&UD(G2) Dept., Dated.03.02.2011.
2. The orders dated 31.08.2016 of Hon'ble APAT in O.A.No.2575/2016.
3. The Orders , dated 22.09.2021 of the Hon'ble High Court of Andhra Pradesh in W.P.No.36199 of 2017.
4. CC No. 1018 of 2022 in WP No. 36199 of 2017, dated 22-09-2021
5. From the C&DMA, A.P., Mangalagiri, Roc.No.21030/289/2021-D Sec, dated.21/02/2023.

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ORDER:

The Hon'ble APAT vide reference 2nd read above was pleased to pass dismissed the OA No.2575 of 2016 on 31-08-2016. The operative portion of the order reads as follows:

"The question of regularising the applicant's services from 25-11-1993 arises only when conditions laid down for regularization in G.O.Ms.No.212 are fulfilled. It is for the Government to satisfy about those conditions and pass formal regularisation order, in case all the conditions in G.O.Ms.No.212 are satisfied. Without there being an order of regularisation issued by the Government, the applicant cannot claim that he is entitled for pension taking qualifying service either from the year 1992 or from 25-11.1993. There is no dispute that as per Andhra Pradesh Revised Pension Rules, 1980, NMR Service either in Municipalities or in other offices is not liable to be counter for the purpose of computing pension and pensionary benefits. Therefore, this Tribunal cannot interfere in this Original Application for direction to compute NMR service of the applicants as qualifying for the purpose of pension."

2. Aggrieved by the orders dated 31-08-2016 as in the reference 3rd read above in OA.No.2575 of 2016, the petitioner/ B. Prabhakar, S/o. Late Chinnapa, filed WP.No.36199 of 2017 before the Hon'ble High Court. The Hon'ble High Court was pleased to allow the WP on 22-09-2021 by setting aside the APAT order, with following direction:

"In view of the above, this Writ Petition is allowed by setting aside the order, dated 31.08.2016, passed in O.A.No.2575 of 2016 4 by the Tribunal. Consequently, the 4th respondent is directed to reprocess the pension proposals of the petitioner for the purpose of sanctioning pension and pensionary benefits by treating his qualifying service from 1992 when he had completed five years of continuous service as NMR. Such exercise shall be undertaken within three (3) months from the date of communication of this order.

No order as to costs. As a sequel, Miscellaneous Petitions."

3. A CC No.1018 of 2022 in WP No. 36199 of 2017 was filed before Hon'ble Division Bench of High Court vide reference 4th read above and same is pending.

4. It is stated that in Circular Memo No.573/225/A3/PC.III/97, dated 1-9-1997, the Finance Department issued instructions to the effect that *"the regularisation that are done as per the G.O.Ms.No.212, Finance Department dated 22-04-1994 is giving the benefit of regularize services to the person concerned only from the date of issue of the orders making it prospective".*

5. Further, the Hon'ble APAT in its order dated 31-08-2016 in O.A.No.2575/2016, had declined the prayer of the petitioner to grant pensionary benefits to him by treating his services rendered as NMR prior to regularization by counting his services for the purpose of computing qualifying service for pensionary purposes. The Tribunal has declined the prayer of the petitioner inter-alia on the grounds that he was regularized as per the G.O.Ms.No.212, Finance Department, dated 22-4-1994 & that he cannot be treated for pensionary purpose as per A.P. Revised Pension Rules, 1980.

6. Government, after careful examination of the matter hereby decided to implement the orders passed by the Hon'ble High Court in the W.P.No 36199/2017, dated 22-09-2021 duly regularizing the services of Sri. B.Prabhakar, Retired Town Planning Chainman , Madanapalli Municipality from 01.07.1992 i.e. from the date of sanction of Minimum Time Scale as per proceedings No. 707/921/C1, dt.30.06.1992 in pursuance of the orders of the APAT in O.A.No.758/92 instead of date of regularization of his services with effect from 07.03.2011 in terms of G.O.Rt.No.138. MA&UD(G2) Dept., Dated.03.02.2011 and subsequent orders of the Municipal Commissioner, Madanapalli Municipality issue vide Proceeding Roc.No.707C11991 dt.07.03.2011 for the purpose of computing the services of the individual only for pension and pensionary benefits, as a special case, subject to the following.

(i) outcome of the S.L.P. to be filed by the Department against the orders in W.P. No.36199/2017, dated 22-09-202 in the Hon'ble Supreme Court of India.

(ii) review of the orders basing on the final orders in SLP (C) No. 28583 of 2018 & batch in the Hon'ble Supreme Court of India.

(iii)that the orders issued shall not be quoted as a precedence in other similar/future cases.

(iv)taking exemplary disciplinary action against the persons responsible for the delay in taking appropriate action in the matter.

7. The Commissioner & Director of Municipal Administration, Andhra Pradesh, Mangalagiri shall take necessary action in the matter accordingly.

8. This orders issues with the concurrence of the Finance (HR.III) Department vide their U.O.Note N.o.HROPDPP/108/2023 (Computer No.1999857), Dt.23.02.2023.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y. SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner & Director of Municipal Administration, AP, Mangalagiri.
Individual through the Commissioner & Director of Municipal Administration, AP, Mangalagiri.

Copy to:
The Municipal Commissioner, Madanapalli Municipality.
The Principal Accountant General, AP, Vijayawada.
The Director of Treasuries & Accounts, A.P, Vijayawada.
The District Treasury Officer, Chittoor District.
P.S. to Spl. Chief Secretary to Government, MA&UD Department.
OSD to Minister for MA&UD Department.
Finance Department.
Govt., Pleader for services of MA&UD, APHC.
SF/SCs(1859352).

// FORWARDED :: BY ORDER //

K. Sankar
SECTION OFFICER